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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/262,769 06/20/94 EDEM

B NSC154400

EXAMINER

NGUYEN, C

ART UNIT

PAPER NUMBER

6

2603

DATE MAILED: 09/29/95

LIMBACH & LIMBACH
2001 FERRY BUILDING
SAN FRANCISCO, CA 94111

26M1/0929

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-6 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-6 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application; serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2603

1. The disclosure is objected to because of the following informalities:

(a) The Appendices mentioned at page 28 cannot be printed because they contain a number of figures; and the Appendix 1, Draft Supplement to IEEE Std 802.3, is protected under Copyright by IEEE.

(b) Page 27 needs a top margin of at least 1 inch, and the lines on the page are crowded too closely together (per Rule 52). Appropriate correction is required.

2. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

3. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the changing means and the waiting means recited in claim 1 must be shown or the feature cancelled from the claim. No new matter should be entered.

4. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2603

In claim 1, the reference to the "first result" and "second result" is not clear. If the "first result" refers to the label C of Fig. 23, it is not known what element of Fig. 23 corresponds to means for changing. Likewise, it is not clear what is disclosed that corresponds to the waiting means at lines 15-16.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-3 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by McGlynn et al. In U.S. patent No. 4,953,210 McGlynn et al. teach a feature negotiation protocol. In the McGlynn et al. protocol, the answering modem (first station) detects and compares features advertised by the originating modem (second station) with the features it supports. If all features requested by the originating modem are not supported, the

Serial Number: 08/262,769

-4-

Art Unit: 2603

answering modem responds with a message listing the features that appear to be supported by the answering modem. The exchange of FEATURES messages continues until all of the features specified are supported by both modems. It is inherent in the protocol that during the exchange of FEATURES messages the answering modem transmits the features it supports (advertising a configuration of the first station), changes some of its operating features to match the features supported by the originating modem, and waits for some features of the originating modem to change. See Fig. 3 and col. 9, line 57, to col. 10, line 40.

7. Claims 1-6 are rejected under 35 U.S.C. § 102(a) as being anticipated by the Draft supplement to IEEE Std. 802.3. The Draft supplement to IEEE Std. 802.3 discloses an Auto-Negotiation algorithm wherein two devices transmit, receive and examine FLB bursts to determine the highest common ability which both devices share. See pages 6, 7, 12, and 23-26.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

in
C. Nguyen
(703) 308-5340
09/19/95

Douglas W. Olms
DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
ART UNIT 263